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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,316	10/02/2003	Robert S. Weiner	04615-0100 32,207A	2582

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EXAMINER
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RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,316	<b>Applicant(s)</b> WEINER ET AL.	
	<b>Examiner</b> Ula C. Ruddock	<b>Art Unit</b> 1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The Examiner has carefully considered Applicant's response filed September 23, 2005.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Double Patenting***

3. Claims 1-10 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,903,033. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are obvious variants over one another.

***Rejection is maintained.***

### ***Claim Rejections - 35 USC § 102***

4. Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Slosberg et al. (US 4,689,258). Slosberg et al. disclose a floor mat comprising an open, fibrous, synthetic mesh material in which the filaments have been coated with a polymer. The surface covering materials finds particular use as a floor mat (col 2, ln 1-8). The mesh comprises nylon fibers (col 2, ln 33). The covering material is a vinyl chloride resin (col 2, ln 44-54). The top surface of the mesh has an irregular peak and valley type surface (col 4, ln 56-57). The fibrous material is coated with the polymeric material by dipping, spraying, or coating the layer of fibrous materials so as to coat the fibers (col 3, ln 27-32), thus both sides of the mesh are coated with vinyl, as required by the present claims. A plurality of islands is formed by the vinyl material (col 3, ln 32-36). The Examiner is equating Slosberg's islands to the bubbles of the present invention.

***Rejection is maintained.***

***Claim Rejections - 35 USC § 103***

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slosberg et al. (US 4,689,258), as shown above, in view of Sugahara et al. (US 5,780,147). Slosberg et al. disclose the claimed invention except for the teaching that the frame is a metal screen.

Sugahara et al. disclose a laminate having improved dimensional stability and heat resistance.

The laminate is used as a flooring material (col 1, ln 6-9). The laminate comprises thermosetting resin-impregnated prepreg layer, a rubber or thermoplastic resin layer, and a hot melt resin adhesive layer (col 1, ln 61-65). The laminate also comprises a reinforcing core material made of a plain weave net made of metal yarns (col 4, ln 38-44 and claim 1). It would have been obvious to one having ordinary skill in the art to have the metal net of Sugahara et al. in the floor mat of Slosberg et al., motivated by the desire to create a floor mat having increased dimensional stability and heat resistance.

***Rejection is maintained.***

***Response to Arguments***

6. Applicant's arguments filed September 23, 2005 have been fully considered but they are not persuasive for the reasons set forth. Applicant argues the Slosberg's bottom layer is discontinuous, whereas the present claims require a non-porous bottom layer. This argument is not persuasive because Slosberg discloses that the vinyl plastisol coating on the mesh congregates more at the intersections of the extruded nylon fibers, but also coats the nylon to form a surface coating. Therefore, it creates a wear resistant planar surface on one side and a

discontinuous coating on the other side (col 5, ln 10-12). Because Slosberg's fibrous material can be dipped into the polymeric liquid, the coating would completely enclose the fabric and create a non-porous coating.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR

*UCR*

*Ula C. Ruddock*  
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Primary Examiner  
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